IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 1168 of 2004, WRIT APPEAL NO. 634 of 2005 AND WRIT APPEAL NO : 2110 of 2004

WRIT APPEAL NO : 1168 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/06/2004 in WP. NO. 12214 OF 1997 on the file of the High Court.)

Between:

1 U. Jana Bai, W/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.
2 N. Vanaja Rani, D/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.
3 M. Padmaja, D/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.
4 U. Srinivas, S/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.

..... APPELLANTS

AND

1 The Managing Director, AP State Co-operative Bank Limited,
4-1-441, Troop Bazar, Hyderabad - 500 001. (Earlier the A.P. Cooperative Central Agricultural Development Bank Limited. Now merged with the A.P. State Cooperative Bank Limited).
2 The Labour Court-II, 4th Floor, Chandra Vihar,
M.J. Road, Hyderabad, represented by its Presiding Officer.
3 The Primary Agricultural Development Bank Limited, Armoor, Nizamabad District. (Now merged with the District Cooperative Central Bank Limited.

Nizamabad)
4 U. Naveen Kumar, S/o. Late Narasimha.

(R4 not necessary party)

.....RESPONDENTS

Counsel for the Appellants: MR.V.JAGAPATHI

Counsel for the Respondent No.1: MR.P.NAGESWARA SREE

Counsel for Respondent No.2: GP FOR SERVICES-I

Counsel for Respondent No.3: MR.B.VIJAYASEN REDDY.

Counsel for Respondent No.4: None appeared.

WRIT APPEAL NO. 634 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 1/03/2004 in WPMP.56 of 2004 in WP. NO. 12214 OF 1997 on the file of the High Court.)

Between:

1 U. Jana Bai, W/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.
2 N. Vanaja Rani, D/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.
3 M. Padmaja, D/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.
4 U. Srinivas, S/o. Late Narasimha,
R/o.H.No.1-86, Sai Nilayam, Pochamma Bagh Colony,
Saroornagar, Ranga Reddy District.

..... APPELLANTS

AND

1 The Managing Director, AP State Co-operative Bank Limited,
Hyderabad.
2 The Labour Court-II, Hyderabad.
3 The Primary Agricultural Development Bank Limited, Armoor, Nizamabad District.

4 U. Naveen Kumar, S/o. Late Narasimha.

.....RESPONDENTS

Counsel for the Appellants: MR.V.JAGAPATHI

Counsel for the Respondent No.1: MR.P.NAGESWARA SREE

Counsel for Respondent No.2: GP FOR SERVICES-I

Counsel for Respondent No.3: MR.B.VIJAYASEN REDDY.

Counsel for Respondent No.4: None appeared.

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WRIT APPEAL NO : 2110 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/06/2004 in WP NO. 3604 OF 2002 on the file of the High Court.)

Between:

1 U. Janabai, W/o. Late U. Narsimha,
R/o. H.No. 1-86, Sai Nilayam, Pochammabagh Colony, Saroor Nagar, Ranga Reddy District.
2 U. Srinivas, S/o. Late U. Narsimha,
R/o. H.No. 1-86, Sai Nilayam, Pochammabagh Colony, Saroor Nagar,

Ranga Reddy District.

..... APPELLANTS

AND

1 A.P. State Co-operative Bank Limited, Hyderabad, represented by its Managing Director.
2 The Nizamabad District Cooperative Central Bank Limited, Nizamabad, represented by its Chairman.

.....RESPONDENTS

Counsel for the Appellants: MR.V.JAGAPATHI

Counsel for the Respondent No.1: MR.K.NAGESWARA SREE

Counsel for Respondent No.2: Mr.B.VIJAYASENA REDDY

The Court made the following:

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COMMON ORDER: (per GB.J.)

All these three Writ Appeals can be disposed of by a common order as they are filed by one and the same appellants, which arise out of the orders passed by a learned single Judge of this Court in Writ Petition Nos.12214, 32810 of 1997 and 3604 of 2002 respectively, dated 18.6.2004.

2. The matter has a chequered career. One U.Narasimha was initially appointed as an Accountant in A.P. Co-operative Central Agricultural Development Bank, Nizamabad Branch. While so, he was removed from service by an order dated 30.7.1986. Finally, challenging the order of his removal, he raised an industrial dispute in I.D.No.124 of 1993 before the Labour Court, Hyderabad (for short Labour Court). However, during the pendency of the said industrial dispute, Act No.14 of 1994 was passed by Andhra Pradesh Legislature merging A.P. Co-operative Central Agricultural Development Bank with A.P. State Co-operative Bank. In this regard an application was also filed by the respondent No.3-bank to the effect that the said Bank was merged with A.P. State Co-operative Bank and the same may be brought on record, but the learned Labour Court did not pass any order and considered the matter on merits and finally passed an award on 23.11.1996 directing reinstatement of the employee with 25% back wages. Aggrieved by the said award, A.P. State Co-operative Bank, who is not impleaded as a party respondent nor was it connected with the dispute, filed Writ Petition No.12214 of 1997 challenging the award passed by the Labour Court. Similarly the employee not satisfied with the grant of 25% back wages filed Writ Petition No.32810 of 1997 for full wages. During the pendency of the said Writ Petitions, the employee was reinstated into service on 22.10.1997 and posted at District Co-operative Central Bank Limited, Nizamabad. While he was working as Accountant there, he expired on 28.12.2000. After the death of the employee, his legal representatives sought

appointment under compassionate appointment scheme, but the same was rejected by the authorities on 29.1.2002 on the ground that the Writ Petition was pending. Therefore, the legal representatives of the employee filed Writ Petition No.3604 of 2002 to consider their case for appointment under compassionate appointment scheme. All the three Writ Petitions came to be disposed of by the learned single Judge by an order dated 18.6.2004, and allowed the Writ Petition filed by the Management in Writ Petition No.12214 of 1997 and directed the Labour Court to reconsider the issue after impleading A.P. State Co-operative Bank Limited. Against the said order, the present Writ Appeals have been filed by the legal representatives of late U.Narasimha, deceased-employee.

3. The learned counsel for the appellants submits that the order of the learned single Judge is wholly illegal and contrary to law. He submits that when the Labour Court has decided the issue *inter se* between the workman and A.P. State Co-operative Bank Limited, and in fact the award itself was passed, the proceedings ought to have been allowed to take place according to law, but the A.P. State Co-operative Central Bank Limited, which has no role to play, has filed the Writ Petition without being aggrieved in any manner as it was not a respondent in the industrial dispute nor any liability was fastened by the award. Therefore the Writ Petition at the instance of A.P. State Co-operative Bank Limited itself is wholly uncalled for and unwarranted. The learned counsel, referring to the merits of the case, submits that the Labour Court has set aside the order of removal on the ground that the same was not sustainable. Having set aside the order of removal, the Labour Court ought to have granted full wages, instead it has awarded only 25% back wages and therefore it is a case for full wages.

4. After the matter has been taken up by this Court, the District Co-operative Central Bank Limited, Nizamabad was impleaded as 3rd respondent in the appeal and it is accepted by the District Co-operative Central Bank Limited that the deceased-employee was working in their Bank.

5. The learned Standing Counsel appearing for the District Co-operative Central Bank Limited submits that the order of the learned single Judge cannot be said to be either illegal or contrary to law and therefore the Writ Appeal is liable to be dismissed.

6. We have heard the learned counsel for the parties at length.

7. It is not in dispute that the order of removal was set aside by the Labour Court on adjudication under the provisions of the Industrial Disputes Act. However, while granting relief of reinstatement, the Labour Court awarded only 25% back wages and challenging the said order, Writ Petition No.32810 of 1997 was filed by the legal representatives of the deceased-employee, but the said Writ Petition was dismissed consequent on allowing the Writ Petition filed by the Management in Writ Petition No.12214 of 1997 and the matter has been remitted to the Labour Court for fresh consideration.

8. Since the employee died on 28.12.2000 and the fact that the Writ Petition No.12214 of 1997 itself was filed by A.P. Sta te Co-operative Bank Limited, which has nothing to do with the dispute, we find that the order of remand is not sustainable and accordingly it is set aside.

9. Now the question that arises for consideration is what is the relief that can be granted to the deceased-employee at this point of time.

10. Admittedly the deceased-employee was working as Accountant at the time of removal and after his reinstatement he was posted as Assistant Manager. It is also admitted that he was drawing a gross salary of Rs.7,279/- per month after reinstatement in pursuance of the orders passed by the learned single Judge, and subject to the result in the Writ Petition, and ad hoc fixation was made right from 1986. Now the scenario has been completely changed. The workman is no more and he died about 5 years back and at this point of time even directing the Labour Court to compute his back wages would also be inappropriate. Keeping in view of the facts and circumstances of the case and to put a quietus to the litigation and in view of the fact that the workman is no more in service and died, we find that the awarding of compensation would be in the interest of justice and also in the interest of both the parties, i.e., Bank as well as the legal representatives of the deceased-employee.

11. It is brought to our notice that the workman had put in 20 years of service as on the date of removal and the award itself was passed on 23.11.1996 granting reinstatement. Even if the award is implemented, he would not get 25% of the back wages notionally, from the date of termination till the date of reinstatement. However,

keeping in view the fact that the workman is no more in service and died, we find that granting of lumpsum compensation of Rs.5,00,000/- would meet the ends of justice.

12. Accordingly Writ Appeal No.1168 of 2004 is allowed and the District Co-operative Central Bank Limited, Nizamabad is directed to pay a compensation of Rs.5,00,000/- (Rupees five lakhs only) to the legal representatives of the deceased-employee viz., U.Narasimha within a period of two (02) months from the date of receipt of a copy of this order. No costs.

13. It is also directed that the Bank shall consider the case of the legal representatives of the deceased-employee for appointment under compassionate appointment scheme if there are vacancies. The fact that the case was deferred on the ground that the case is pending would itself indicate that the Bank was inclined to grant appointment subject to the result in the Writ Petition. In view of the disposal of the Writ Appeal, the Nizamabad District Co-operative Central Bank Limited, Nizamabad, is directed to consider the case of the legal representatives of the deceased-employee in the existing vacancies. Writ Appeal No.2110 of 2004 and Writ Appeal No.634 of 2005 are disposed of accordingly. No costs.

(G.BIKSHAPATHY, J.)

7th March, 2005.

SSR (P.S.NARAYANA, J.)

To

1 The Managing Director, AP State Co-operative Bank Limited, 4-1-441, Troop Bazar, Hyderabad - 500 001. (Earlier the A.P. Cooperative Central Agricultural Development Bank Limited. Now merged with the A.P. State Cooperative Bank Limited).
2 The Presiding Officer, Labour Court-II, 4th Floor, Chandra Vihar, M.J. Road, Hyderabad.
3 The Chairman, Primary Agricultural Development Bank Limited, Armoor, Nizamabad District. (Now merged with the District Cooperative

Central Bank Limited, Nizamabad)
4 The Chairman, Nizamabad District Co-operative Central Bank Limited,

Nizamabad.

5 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

6 2 CD copies.

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